

Remarks:

This amendment and the accompanying Request for Continued Examination are being filed responsive to the July 27, 2005 final Office action that was issued in connection with the above-identified patent application.

Prior to entry of the present Amendment, claims 1-3, 5-11 and 13-27 remained pending in the present application. By this Amendment, claims 8 and 14-25 are cancelled without prejudice. Claims 1, 5, 9, 13, 26 and 27 are amended. Claims 2, 3 and 6, 7 and 9-11 remain unchanged, but for their dependency from amended claims.

In view of the amendments above, and the remarks below, applicant(s) respectfully request(s) reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Rejections under 35 USC §102

Claims 1-3, 6-7, 9-11, 26 and 27 stand rejected under 35 U.S.C. §102(b) based on Yagi et al. (US 5,896,032). Yagi et al. discloses a position detection device that detects relative displacement between two members. The position detection device includes "a pair of first electrodes at equal pitches on one side of the two members that have relative displacement in at least one dimension, and a linear array of at least one second electrode on the other member" (see Abstract).

The set of first electrodes are moved relative to the set of second electrodes, thereby selectively establishing an area of overlap between a selected one of the first electrodes and a corresponding one of the second electrodes. Current flowing through the respective electrodes is indicative of overlap, and thus is indicative of relative positions of the selected first electrode and the second electrode (when compared with corresponding adjacent electrode relationships).

As best indicated in Fig. 2, the first electrodes are spaced such that only one of the first electrodes overlays a second electrode at any given time. Comparative information is available by reviewing current resulting from overlap of another first electrode with another second electrode.

As amended, claims 1, 9, 26 and 27 all recite "a first plate secured to one of the objects" and "a pair of second plates secured to the other of the objects ... such that the second plates in use come into simultaneous overlap with the first plate." Yagi et al. does not disclose second plates that come into simultaneous overlap with a first plate. Accordingly, claims 1, 9, 26 and 27 are allowable over Yagi et al., and the rejection of claims 1, 9, 26 and 27 under 35 U.S.C. §102(b) should be withdrawn. Claims 2, 3, 6, 7, 10 and 11 depend from claims 1 and 9, and thus are allowable for at least the same reasons as claims 1 and 9. The rejection of claims 2, 3, 6, 7, 10 and 11 under 35 U.S.C. §102(b) thus also should be withdrawn.

Rejections under 35 USC §103

Claims 5 and 13 stand rejected under 35 USC §103(a) based on Yagi et al. in view of Andermo (US/RE34,741). The Examiner cites Andermo in view of the admitted failure of Yagi et al. to mention an output-input transfer function as recited in claims 5 and 13.

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As amended, claims 5 and 13 both recite "a first plate secured to one of the objects" and "a pair of second plates secured to the other of the objects ... such that the second plates in use come into simultaneous overlap with the first plate." Claim 5 further recites that "the configuration of the first plate and second plates results simultaneously in two spaced-plate capacitors having capacitances that vary oppositely as the objects move relative to one another within the operative range along the axis." Claim 13 further recites that "the configuration of the first plate and second plates results simultaneously in two spaced-plate capacitors having capacitances that vary continually as the objects move relative to one another along the axis."

As noted above, Yagi et al. does not disclose or suggest second plates that come into simultaneous overlap with a first plate. Andermo similarly fails in this regard. Neither Yagi et al. nor Andermo disclose or suggest first and second plates configured such that the two spaced-plate capacitors have capacitances that vary oppositely as the objects move relative to one another, as recited in claim 5. Furthermore, neither Yagi et al. nor Andermo disclose or suggest first and second plates configured such that the two spaced-plate capacitors have capacitances that vary continually as the objects move relative to one another, as recited in claim 13.

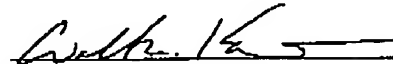
For at least the foregoing reasons, claims 5 and 13 are allowable over Yagi et al. and Andermo (either alone or in combination), and the rejection of claims 5 and 13 under 35 USC §103(a) should be withdrawn.

Conclusion

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Walter W. Kamstein
Registration No. 35,565
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679
Attorney for Applicants

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner L. Chow, Group Art Unit 2652, Assistant Commissioner for Patents, at facsimile number (571) 273-8300 on November 28, 2005.



Christie A. Doolittle

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